



VAIKUNTA BALIGA COLLEGE OF LAW

(A Unit of Dr.T.M.A.Pai Foundation, Manipal - 576 102)

Kunjibettu, Udupi-576102

Re-accredited by NAAC with B+ Grade



**Advocate P. Shivaji Shetty Memorial
Seventh National Level Moot Court Competition- 2023
May 25th to 27th 2023**



Respected Sirs and Madams,

Greetings from Vaikunta Baliga College of Law, Udupi. It gives us immense pleasure to invite your esteemed institution to the seventh Advocate P. Shivaji Shetty Memorial

National Moot Court Competition which will be held from 25th to 27th of May 2023. We will be delighted if we have a team from your esteemed institution for this competition. The Moot Court Problem and detailed Rules governing the competition are enclosed herewith for your kind reference. You can also download the same from our College website: vbclaw.edu.in. We have attached the rules and regulations of the competition along with a link for provisional registration and Moot Problem.

Prof. Raghunath K.S
Principal

Vaikunta Baliga College of Law, Udupi.

Dr. Nirmala Kumari. K
Director, Legal Studies,

Vaikunta Baliga College of Law, Udupi

About the College

Vaikunta Baliga College of Law Udupi formerly known as Udupi Law College is undoubtedly a big name on the horizon of legal education. This law College was

established in 1957 and is named after the Late Sri B. Vaikunta Baliga, a legal luminary and the then Minister of Law, Government of Mysore.

The College is one among the 42 reputed educational institutions run by the Dr TMA Pai Foundation, Manipal. It was founded by the Late Dr TMA Pai who is remembered as a pioneer in the field of education, banking, and industry. In the initial years, the College was functioning in the heart of Udupi town in the close vicinity of the Court complex. Later, to cope with the growing students' strength and accommodation demands of the students, the College was shifted to more spacious premises in Kunjibettu.

The College is now permanently affiliated with Karnataka State Law University and is recognized by the Bar Council of India and UGC. The College has been accredited with B+ Grade by the NAAC Committee with an Institutional score CGPA of 2.72 in the year 2022.

About the Competition

The College has the privilege of hosting every year prestigious Advocate P Shivaji Shetty National

Level Moot Court competition a prestigious event in the name of Emeritus Late

Advocate P. Shivaji Shetty.



Rules Governing the Moot Court Competition

General

1. Advocate P Shivaji Shetty Memorial Seventh National Level Moot Court Competition will be held from 25th to 27th of May 2023. at Vaikunta Baliga College of Law, Udupi.
2. In addition to the main event, the participants will also have to attend the judgement writing competition.
3. Law Colleges recognised by the Bar Council of India are eligible to participate in the Competition.
4. Each College may send a team consisting of three members.
5. The team shall notify the organizers at the time of registration as to who shall be the Speakers , Researcher and Judgement Writers .
6. The organizers shall not defray the travelling expenses of the participating teams.
7. However, participants will be provided with boarding and lodging on the days of the competition.
8. The language of all the competitions shall be English.
9. The last date for the Provisional Registration 5th May 2023.
10. Last date for sending the Registration Form by Post 10th May, 2023
11. Last date for sending Soft Copy of Memorials and Travel Plan, 15th May 2023
12. The maximum number of entries would be restricted to 24 teams.
13. There shall be a registration fee of Rs. 3000 (Rupees Three Thousand only) for each team. The teams shall submit the registration form along with NEFT drawn in favour of “VBCL Moot Court Corpus Fund”.

Account Number – 01862010024820. IFSC No. CNRB0010186 (Canara Bank, Kunjibettu Branch)

14. Each Team shall be provided with a “Team Code” as soon as their registration is confirmed, and the same must be used for all purposes during the Competitions.



Additional Rules regarding the Moot Court Competition

1. Each team shall submit hard copies of Written Memorials on behalf of both parties to the case at the time of registration.
2. Each team shall be given 30 minutes to advance its arguments or make submissions. hence, each Counsel shall have twelve minutes at his/her disposal and three minutes for rebuttal.
3. Each team will be assessed for 100 marks which will be divided as follows:
 - Written Submission: 20 Marks
 - Oral Presentation: 80 Marks.
4. The Four Stages of Competition shall be –
 - **Preliminary Round (First Round)** – Every participating Team shall take part in the preliminary round as per the fixtures drawn and announced, appearing once for both sides.
 - **Quarter Finals** – Eight Teams securing the highest scores in the preliminary round shall advance to the quarter-finals.
 - **Semi-Finals** – First four Teams securing the highest marks in the quarter-finals will qualify for the Semi-Finals.
 - **Finals** – Two out of the Teams in the Semi-Finals shall, on the basis of the marks secured therein enter the finals.

Rules regarding submission of Memorials

1. The memorials should be typed on one side of A4-size papers and be double-spaced.
2. All Memorials must be in Times New Roman with a Font size of 12.
3. The Arguments should not exceed 15 pages. However these 15 pages will not include the Cover page, Contents page, Table of Authorities, Table of cases, List of Abbreviations, Statement of Facts, Issues/ Questions presented, Summary of the Arguments and Appendices.
4. Soft copy of the Memorials should reach the College on or before **15th May 2023** to Mail Id: vbclmootcourt@gmail.com
5. The hard copy of the Memorials should be neatly bound and submitted (Avoid spiral binding) at the time of Registration.
6. The Memorials submitted will not be returned.



Rules regarding Judgement Writing Competition:

1. A Case will be given one day prior to the Competition.
2. One Student from each participating team will take part in the competition

Dress Code:

Dress Code for the participants shall be prescribed by the Bar Council of India.

E-Mail Id for all the Communication: vbclmootcourt@gmail.com

Prizes :

Moot Court

Winners: Rs. 15,000 with Trophy

Runners-up: Rs. 7,500 with Trophy

Best Memorials: Rs. 3,000 with Trophy

Best Advocate: Rs. 3,000 with Trophy

Best Lady Advocate: Rs. 3,000 with Trophy

Judgement Writing-

- First Prize: Rs. 3,000 with Trophy
- Second Prize: Rs. 1,500 with Trophy

Faculty Co-Ordinators

Smt. Surekha. K

Mobile No.9844098054

Dr Jayamol P.S

Mobile No. 6363768001

Dr Shrinivasa Prasad R

Mobile No. 9741523932

Student Co- Ordinators:

Miss Nayana

Mobile No :8105989199

Mr. Abhay Sreekumar

Mobile No: 9847214451



Time Lines

| | |
|--|----------------------------|
| Last Date for provisional Registration | 5 th May, 2023 |
| Last Date for sending Registration form by Post | 10 th May, 2023 |
| Last Date for sending Soft Copy of Memorials and Travel Plan | 15 th May, 2023 |

Link for Provisional Registration

<https://forms.gle/72vX66ZEjAYgwArA7>



REGISTRATION FORM



Advocate P. Shivaji Shetty Memorial Seventh National Level Moot Court Competition - 2023

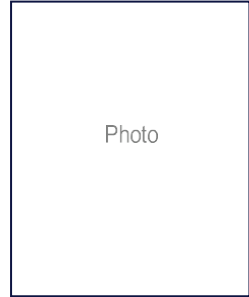
1. Name of the Mooter: _____

Class : _____

Address : _____

Phone No. : _____

E-mail Id : _____



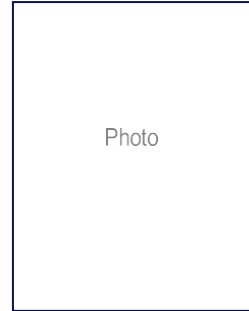
2. Name of the Mooter: _____

Class : _____

Address : _____

Phone No. : _____

E-mail Id : _____



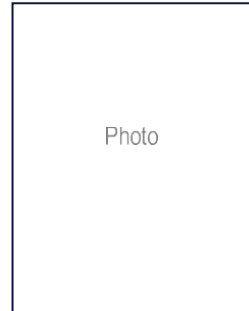
3. Name of the Researcher: _____

Class : _____

Address : _____

Phone No. : _____

E-mail Id : _____



4. Moot Co-Ordinator of the college:

Phone No:

E-Mail Id:

Signature and Seal of the
Principal/ Head of the Institution

* Photographs should be signed by the Mooter and
attested by the Principal/Head of the concerned Institution.



**Advocate P. Shivaji Shetty Memorial
Seventh National Level Moot Court Competition- 2023**

| Travel Details | |
|----------------|--|
| TEAM CODE | |

| Details of Arrival | |
|--|--|
| Date of Arrival | |
| Time of Arrival | |
| Mode of Transport | |
| Place of Arrival (Name of Station, Bus Stop etc.) | |
| Train/Bus Name & No | |

| Details of Departure | |
|--|--|
| Date of Departure | |
| Time of Departure | |
| Mode of Transport | |
| Place of Departure (Name of Station, Bus Stop etc.) | |
| Train/Bus Name & No | |



Advocate P. Shivaji Shetty Seventh Moot Court Competition- 20203
May 25th to 27th, 2023

MOOT PROPOSITION

Liberty Unlimited v. Union of Iravat¹

Union of Iravat is a secular country with Hindus forming majority of population followed by Muslims, Christians and people of other religion. It was under the British rule, became independent in 1947 and adopted its own Constitution. The pre-constitutional laws which were not inconsistent with provisions of the Constitution continued in force. After coming into force of the Constitution with egalitarian principles, Sec. 497 of the Iravat Penal Code (IPC) came to be challenged multiple times before the Supreme Court and survived attack until 2018.

Section 497 defined adultery as: Whoever has sexual intercourse with a person who is and whom he knows or has reason to believe to be the wife of another man, without the consent or connivance of that man, such sexual intercourse not amounting to the offence of rape, is guilty of the offence of adultery, and shall be punished with imprisonment of either description for a term which may extend to five years, or with fine, or with both. In such case the wife shall not be punishable as an abettor.

In 2018, the Supreme Court struck down Section 497 IPC on the grounds that it violated Articles 14, 15 and 21 of the Constitution. The five Judge Bench unanimously, in four concurring judgments, held that the law was archaic, arbitrary and paternalistic, and infringed upon a woman's autonomy, dignity, and privacy. Section 198(2) of the CrPC which allowed only a husband to bring a prosecution under Section 497 of the IPC was also struck down as unconstitutional.

Hearing the plea by the Ministry of Defence (MoD) urging the Supreme Court to clarify that Army personnel can be proceeded under the Army Act for acts of adultery, notwithstanding the 2018 judgment, the Supreme Court ruled that department can prosecute officers for adultery. The five-judge Supreme Court Bench said the 2018 judgement did not concern the armed forces which are governed by their separate acts — the Army Act, the Navy Act, and the Air Force Act. Adultery can break families and cause pain, the Supreme Court said, the armed forces, where discipline is of paramount importance, should have some mechanism to act against personnel for such conduct. So, adultery continued to be an offence for armed forces.





Federation for Values, a union of many religious organisations, spearheaded by Tejashwi Guruji, is an organisation advocating for sustaining and perpetuating religious values in life. It has a allegiance of chunk of population cutting across the religions. His campaign for promotion of respect for parents, preserving institution of marriage, adhering to religious mandates have gained appreciation across the country. He delivered a series of lectures insisting that sanctity of matrimonial home is important not only for armed personnel but also for every one. He made a scathing attack on the Supreme Court for delivering judgements which are making serious inroads into moral and religious values for which Iravat is known all over the world. He made a pointed reference to the decision of 2018 decriminalising adultery. Various religious organisations condemned the decision of 2018 and insisted that as the families of the men in armed forces are to be protected, every family in Iravat is also to be protected. They further insisted that men also should be liable to be punished for the act of adultery. This developed into a movement that exerted tremendous pressure on the Union Government which was to face the general election next year. To win the support of masses, relying on the report of the Committee on Reforms of Criminal Justice System, which had recommended that the object of criminalising adultery was to preserve the sanctity of marriage and there is no good reason for not punishing a married man who has sexual intercourse with a wife, the Union Government brought an amendment called Criminal Law (Amendment) Act, 2022 which inserted a new Section. 497 in IPC in the place of the old section to the following effect.

Section 497: Whoever has sexual intercourse with the spouse of any other person is guilty of adultery and shall be punished with imprisonment of either description for a term which may extend to five years, or with fine, or with both.

Suitable amendment was also made to Cr.P.C. to allow both husband and wife to bring prosecution under Section 497 of the IPC.

Liberty Unlimited, a registered association of intellectuals, which had advocated for maximum freedom for men and women in matters concerning themselves like their choice of partner, choice of food, choice of attire, etc had always appreciated the decisions of the Supreme Court which were highly libertarian. It felt that the amendment is brought to defeat the gains of the 2018 decision. It has challenged the constitutional validity of the Criminal Law (Amendment) Act, 2022 under Article 32 of the Constitution. It argues that the amendment is in violation various fundamental rights.

Note: The Constitution and laws of Union of Iravat are same as that of Union of India.

¹ This moot court problem is prepared by Dr. Chidananda Reddy S. Patil, Professor of Law, Karnataka State Law University, Hubballi for the National Moot Court Competition organised by the Vaikunta Baliga College of Law, Udupi.